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November 7, 2012

VIA ECF

Honorable Justice Cathy Seibel
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street - Courtroom 621
White Plains, New York 10601-4150

Re: Chris Ryder v. True Value Hardware, Inc. et al.

Docket No. : 12-cv-06875-CS
Our File No. : 447.94520
Date of Loss : March 6, 2012

Dear Justice Seibel:

We represent defendant, EME Nevada, Inc., in the above-captioned matter. We respectfully submit this letter in order to state EME Nevada, Inc.'s position with respect to the pre-motion conference requested by Microchip Technology, Inc. seeking permission to file a Motion for Summary Judgment.

EME Nevada, Inc. takes the position that the chip in question is not a counterfeit chip in that, in fact, it was supplied to EME Nevada, Inc. for one of its sister companies by Microchip authorized distributors. Prior to September 2009, the chips were supplied by Avnet Technology HK Ltd. From June 2010 to August 2010, the chips were provided by YEL Electronics Hong Kong Ltd. and from September 2010 to present, the chips were supplied by Excelpoint Systems (H.K.) Limited. All three of these entities are authorized distributors of Microchip products.

Accordingly, the relief requested by Microchip Technology, Inc. is premature in that discovery is necessary to establish whether, in fact, the chip in question was a Microchip product or whether or not any additional parties may need to be added to this litigation.

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Accordingly, we respectfully request that Microchip Technology, Inc.'s application to file an early dispositive motion be denied.

Respectfully requested,

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By: _____

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JMS:ma

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